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M.S. SERIES. [redacted]

G.U. No. 4460

Dated 7/11/49

[Despatch Abstract.]

ACT - The Muslim Personal Law (Shariat) - Application (Madras Amendment), Act 1949 - Papers recorded.

CONFIDENTIAL

(For the use exclusively of the members)

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY, MADRAS.

The Select Committee appointed to consider the Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1947,(L.A. Bill No.27 of 1947), has the honour to make the following report.

2. The Bill was published in English in the FORT ST. GEORGE GAZETTE, dated the 21st October 1947.

3. The Select Committee was appointed on the 4th February 1949.

4. The Select Committee met in the Council Chamber, Fort St. George, at 10 a.m. on Wednesday, the 23rd March 1949, and again at 10 a.m. on Saturday, the 26th March,1949,and concluded the consideration of the provisions of the Bill.

5. The Select Committee decided that section 3 of the Central Act (Act XXVI of 1937) should remain so that those people who wished to exercise the option under that section might be allowed to do so. In view of the above decision it was considered not necessary to retain the words "wills,legacies" and "other than charitable and religious endowments" in clause 3 of the Bill.

6. The changes made in the Bill are all shown in the Bill as amended.

7. The Committee decided that as the changes effected by them were of a minor character it was not necessary to republish the Bill.

8. A copy of the Bill as amended by the Select Committee is annexed.

FORT ST. GEORGE,
26TH MARCH 1949.

K.MADHAVA MENON,
CHAIRMAN.

/ANNEXURE ....

(NOTE:--The portions omitted by the Select Committee are shown by dots).

ANNEXURE.

L.A.BILL NO.27 of 1947.

(As amended by the Select Committee).

A BILL TO AMEND THE MUSLIM PERSONAL LAW (SHARIAT)APPLICATION ACT,1937 (CENTRAL ACT XXVI OF 1937), IN ITS APPLICATION TO THE PROVINCE OF MADRAS.

WHEREAS it is expedient to amend the Muslim Personal Law (Shariat) Application Act, 1937 (Central Act XXVI of 1937), in its application to the Province of Madras in the manner hereinafter appearing; It is hereby enacted as follows:--

Short title, extent and commencement.

1. This Act may be called the Muslim Personal Law (Shariat) Application(Madras Amendment) Act 1947.

Central Act XXVI of 1937

2. The Muslim Personal Law (Shariat) Act,1937,(hereinafter referred to as the said Act), shall,in its application to the Province of Madras, be amended in the manner hereinafter provided. Central Act XXVI of 1937.

3. For section 2 of the said Act, the following section shall be substituted, namely:-

Application of Personal Law to Muslims.

"Notwithstanding any custom or usage to the contrary, in all questions regarding intestate succession,special property of females, including personal property inherited or obtained under contract or gift or any other provision

p.t.o.

provision of personal law, marriage, dissolution of marriage, including TALLAQ, ILLA, ZIHAR, LIAN, KHULA and MUBARAAT, maintenance, dower, guardianship, gifts .... trusts and trust properties and wakfs .... the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (SHARIAT)."

SECRETARIAT OF THE MADRAS LEGISLATURE

Fort St. George. dated the 19th April 1949.

The decision of the Legislative Assembly on the following bill of K.M. Seethi Saheb Bahadur is communicated to the Home and Legal Departments and P.S.G.

BILL.

† The Muslim personal Law (Shariat) Application (Madras Amendment) Bill 1947 (L.A. Bill No.27 of 1947)

DECISION OF THE ASSEMBLY.

The motion that the Bill be passed into Law was put and carried in the Assembly on 18-4-1949.

U.O.No.3964/49-IML/19-4-1949.

T.Hanumanthappa,
for Secretary, Madras Legislative Assembly.

To The Secretary to Government,
The Home Department,
" Legal "
The Private Secretary to H.E.the Governor.

Forwarded/By Order

SD. x x
Superintendent.

SECRETARIAT OF THE MADRAS LEGISLATURE,
FORT-ST. GEORGE, DATED THE 22-4-1949.

The decision of the Legislative Council on the following bill of Mr.K.T.M. Ibrahim Sahib Bahadur is communicated to the Home & Legal Departments, and P.S.G.

BILL.

The Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1949, (L.A.Bill.No.27 of 1949)

DECISION OF THE COUNCIL.

The motion that the bill be passed into law was carried in the Council on 20th April 1949.

U.O.No.4087/49-1-M.L./25-4-49. T.Hanumanthappa,
for Secretary, Madras Legislative Council.

To the Secretary to Government.
" Home Department,
" Legal E"
" Private Secretary to H.E.the Governor.

Forwarded/By Order

Sd. x x x
Superintendent.

p.t.o.

PUBLISHED AT PP.125-126 OF PART IV B OF FORT ST.GEORGE GAZETTE DATED 12-7-1949.

ACT NO. XVIII OF 1949.

AN ACT TO AMEND THE MUSLIM PERSONAL LAW (SHARIAT)APPLICATION ACT, 1937 (CENTRAL ACT XXVI OF 1937), IN ITS APPLICATION TO THE PROVINCE OF MADRAS.

WHEREAS it is expedient to amend the Muslim Personal Law (Shariat) Application Act, 1937, (Central Act XXVI of 1937),in its application to the Province of Madras in the manner hereinafter appearing; It is hereby enacted as follows:--

Short title, extent and commencement.

1. This Act may be called the Muslim Personal Law (Shariat) Application (Madras Amendment) Act, 1949.

Central Act XXVI of 1937.

2. The Muslim Personal Law (Shariat) Act, 1937 (hereinafter referred to as the said Act), shall, in its application to the Province of Madras, be amended in the manner hereinafter provided

3. For section 2 of the said Act, the following section shall be substituted, namely:--

Application of personal Law to Muslims.

"Notwithstanding any custom or usage to the contrary, in all questions regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift, or any other provision of personal law, marriage, dissolution of marriage, including TALLAQ, ILLA, ZIHAR, LIAN, KHULA and MUBARAAT, maintenance, dower, guardianship, gifts, trusts and trust properties and wafts the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat)."

LEGAL DEPARTMENT.

A.S.

The Muslim Personal Law (Shariat) Application(Madras Amendment) Bill, 1947, (L.A.Bill No.27 of 1947) has been numbered as Madras Act XVIII of 1949 and published at pages 125-126 of Part IV-B of the Fort St. George Gazette dated 12-7-1949. The main file of the Home Department may be returned to them as it is no longer required.

Sd. x x x 15/7/49

Legal No.5160/49-10/15-7-1949. Home Department.

Please see the note of the Legal Department above. A copy of the Act since obtained from that department is added to the c.f. No further action is called for. The papers may be recorded.

Sd. x x x 7/11/49.

G.O.Ms.No.4460,dated 7-11-49 - Act - The Muslim Personal Law - (Shariat) Application (Madras Amendment) Act, 1949 - Papers Recorded.

/True copy/

Superintendent,
Madras Record Office.

PSR. 3-7-53.

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